

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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U.S.A. DAWGS, INC., et al.,

Case No. 2:16-cv-01694-JCM- PAL

Plaintiffs,

ORDER

v.

CROCS, INC.,

Defendant.

Presently before the court is U.S.A. Dawgs, Inc. and Double Diamond Distribution, Ltd.’s (“plaintiffs”) motion for leave to extend time to file a response to defendant Crocs, Inc.’s motion for sanctions. (ECF No. 36). Plaintiffs request one additional day to file their response. (*Id.*).

Defendant filed its motion for sanctions on December 20, 2016. (ECF No. 29). The original deadline to respond to that motion was January 3, 2017, but this court granted a motion on January 4, 2017, to extend the deadline to respond to January 17, 2017. (ECF No. 32).

In the instant motion, counsel for plaintiffs explains that he “had fully complied with the administrative procedures for securing ECF log-in credentials, including responding on January 16 to the ECF administrator’s link confirming counsel’s email address” and that counsel believed he could access the ECF system within one business day. (*Id.* at 2). However, counsel realized that he could not access the system on January 17, 2017, and the local counsel of record was not available to file the response. (*Id.* at 2). Therefore, plaintiffs did not file the response within the relevant deadline.

Excusable neglect is an “elastic concept” that is determined by considering, *inter alia*: “the danger of prejudice to the [party not under scrutiny], the length of the delay and its potential impact

1 on judicial proceedings, the reason for the delay, including whether it was within the reasonable
2 control of the movant, and whether the movant acted in good faith.” *Briones v. Riviera Hotel &*
3 *Casino*, 116 F.3d 379, 381 (9th Cir. 1997) (quoting *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*
4 *Ltd. P’ship*, 507 U.S. 380, 391–93, 95 (1993) (discussing “excusable neglect” in the context of
5 Federal Rule of Civil Procedure 6(b)).


6 This court finds that granting this motion would result in little prejudice to the defendant,
7 the delay would be minimal, the movants acted in good faith, and plaintiffs otherwise have shown
8 that excusable neglect is present here.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs’ motion for
11 leave to extend time (ECF No. 36) be, and the same hereby is, GRANTED.

12 IT IS FURTHER ORDERED that plaintiffs shall have one day from the date of this order
13 to file their response to defendant’s motion.

14 DATED THIS 20th day of January, 2017.

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16 JAMES C. MAHAN
17 UNITED STATES DISTRICT JUDGE
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